



THE ATTORNEY GENERAL OF TEXAS

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ATTORNEY GENERAL

AUSTIN, TEXAS 78711

August 15, 1968

Honorable Virgil A. Walston
Chairman, Texas State Board of
Registration for Public Surveyors
Austin, Texas

Opinion No. M-269

Re: Whether a County Surveyor may legally make private surveys of lands in his county without being licensed under the Registered Public Surveyors Act of 1955, Article 5282a, V.C.S.

Dear Mr. Walston:

In a recent letter you request an opinion from this office as to:

"Whether a County Surveyor may legally make private surveys of lands in his county without being licensed under the Registered Public Surveyors Act of 1955, Article 5282a, Vernon's Texas Civil Statutes."

The Registered Public Surveyors Act of 1955, Article 5282a, Vernon's Civil Statutes, requires all surveyors in this State to be registered if they are engaged in the practice of public surveying unless exempted from the operations of the Act as provided in Section 3 of Article 5282a. A County Surveyor acting in his official capacity as authorized by law, Article 5287, Vernon's Civil Statutes, is specifically exempt from the requirements of the Act.

Registered Professional Engineers may do survey work under certain circumstances and need not be registered under the Registered Public Surveyors Act. /Attorney General's Opinion No. WW-900 (1960) 7. Consequently, if a Registered Professional Engineer held the position of County Surveyor, he would not be required to register under the Surveyors Act in order to do certain private survey work for compensation, since under certain circumstances he would be operating in his professional capacity as authorized by law.

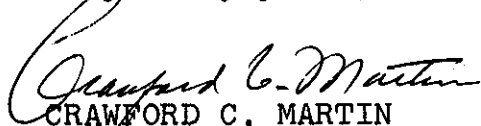
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It is the opinion of this office that a County Surveyor conducting a survey in the employ of a private person for hire is not acting in his official capacity as authorized by law and therefore would occupy the same status as any other public surveyor. Consequently, he must be registered under the Act, unless otherwise exempted.

S U M M A R Y

A County Surveyor may not legally make private surveys, for compensation, of lands in his county without being licensed under the Registered Public Surveyors Act of 1955, Article 5282a, Vernon's Civil Statutes, unless otherwise exempted from the requirements of said Act.

Very truly yours,



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